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January 16, 2020

The Honorable Judge John G. Koeltl
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: 1:19-cv-07189-JGK, Malibu Media, LLC v. John Doe, Subscriber ID 98.116.191.111- Plaintiff's Third Motion to Extend the Deadline to File Joint Discovery/Case Management Plan and Request for Adjournment of the Initial Pretrial Conference Set for January 23, 2020 at 4:30 p.m.

Dear Judge Koeltl:

Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to file a Joint Discovery/ Case Management Plan currently set for January 16, 2020 and adjourn the Initial Pretrial Conference on January 23, 2020, and states:

1. Plaintiff filed a complaint against the Internet subscriber assigned IP address 98.116.191.111 ("Defendant") alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works. *See* CM/ECF 1.

2. Since Defendant was only known to Plaintiff by Defendant's IP address, in order to obtain Defendant's true identity, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena on the Defendant's Internet Service Provider seeking Defendant's identity [CM/ECF 6].

3. On September 3, 2019, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Verizon to obtain the Defendant's identifying information [CM/ECF 7]. Plaintiff issued the Subpoena September 8, 2019 and received the ISP's response on or about November 18, 2019.

4. Upon receipt of the subscriber's identifying information, Plaintiff conducted a thorough investigation and determined that a good faith basis exists to name the subscriber as the defendant infringer.

5. On December 15, 2019, Plaintiff filed its Amended Complaint to name the Defendant [CM/ECF 14] and requested that the Clerk issue a summons as to the Defendant.

6. Upon receipt of the issued summons, Plaintiff sent the Amended Complaint and summons to its process server. The process server is now in the process of attempting to serve the Defendant.

7. Pursuant to the Court's Order, the Initial Pretrial Conference is set for January 23, 2020, therefore, the parties are due to meet, prepare, and file a proposed Joint Discovery/Case Management Plan by January 16, 2020. However, because Defendant has not been served with process, Plaintiff has not yet served its initial disclosures or been able to discuss discovery deadlines with Defendant. For the foregoing reasons, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference and an extension of the pretrial deadlines until after Defendant has been served with the amended complaint.

8. This extension will allow undersigned sufficient time to effectuate service, for Defendant to retain an attorney, and thereafter for the parties to serve its initial disclosures and confer regarding discovery deadlines.

9. This motion is made in good faith and not for the purpose of undue delay.

10. The parties will not be prejudiced by the granting of this extension.
11. This is the third request for an adjournment.

WHEREFORE, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference set for January 23, 2020 and an extension of the deadline to file the Joint Discovery/Case Management Plan.

Respectfully Submitted,

By: /s/Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway
Kevin T. Conway, Esq.